

PLANNING MEETING

- a. Interview Board of Adjustment Candidate
- b. Housing Program Discussion: verify budget, program operations, Council/neighborhood projects [Sant] [5:44:28 PM](#)
- c. Animal Control Ordinance (Dogs) Review/Council Questions [discn held first at 5:15 pm]
- d. Mayor's Report [6:16:27 PM](#) into discussion
- e. Council Office Director Report [end of discn] [6:23:50 PM](#)
- f. Other council business [6:24:38 PM](#)

Amended MINUTES

SANDY CITY COUNCIL MEETING

Sandy City Hall - Council Chamber Room #211
10000 Centennial Parkway
Sandy, Utah 84070

September 30, 2008

Meeting was commenced at **7:00 p.m.**

PRESENT:

Council Members: Chairman Scott Cowdell, Vice Chairman Steve Smith, Bryant Anderson, Steve Fairbanks, Chris McCandless, Linda Martinez Saville, and Dennis Tenney

Others in Attendance: CAO Byron Jorgenson; Assistant CAO Scott Bond; Assistant to the CAO Korbin Lee; Deputy to the Mayor John Hiskey; City Attorney Walter Miller; Police Chief Stephen Chapman; Animal Services Director Rich Bergan; Attorney Pat Casaday; Council Office Director Phil Glenn; Council Office Manager Pam Lehman

ABSENT/EXCUSED:

Mayor Tom Dolan [out of town]

1. OPENING REMARKS/PRAYER/PLEDGE:

The Prayer was offered by **Boy Scout Bryce Chamberlain of Troop #142**, and the Pledge was led by **Brandon Chamberlain**, also of **Troop #142**.

2. SPECIAL PRESENTATION:

a. Telly Service Award [Kelly Casaday, Chief Chapman]

Kelly Casaday, with the Advertizing Agency Letter23, produced a 30 second public service announcement for the Sandy Police Department and the Health Sandy Partnership regarding methamphetamine awareness. The announcement was shown on cable TV and at the Jordan Commons Theater. Letter23 was awarded a Bronze Telly in the "Health and Wellness-Social Issues" category. The commercial was played to the audience and Council. Mr. Casaday presented the Telly to Police Chief Chapman on behalf of the assistance that was provided by the Sandy Police Department and the Healthy Sandy Partnership in this national campaign.

3. CITIZEN(S) COMMENTS:

- a. There were no Citizen Comments.

4. Animal Control Ordinance

a. Reports from Committee Members

Discussion: Chairman Scott Cowdell stated that the Public Hearing for the Animal Control Ordinance was held back on July 15, 2008; therefore this would not be a public hearing. The Council would review and make a decision on the revisions to the Animal Control ordinance.

Animal Services Director Rick Bergan expressed appreciation to the individuals who volunteered on the Animal Ordinance committee. He introduced the non staff committee members as follows: Dr. Jolie Pope, Kristie Ellis, and Donna Eliason.

The first two chapters of the ordinance remained unchanged with a few minor grammatical changes. Chapter three "Dangerous and Prohibited Dogs" underwent the most changes. A dangerous dog has been defined to mean any dog, based on their aggressive nature, training, or characteristic behavior; who presents a risk of serious physical harm or death to human beings or would constitute danger to human life, physical well being, or property if not kept under the direct control of the custodian.

Committee remarks

Dr. Jolie Pope, Veterinarian, American Paws Hospital, 7884 South Highland Drive, stated that the committee worked to clearly define the meaning of "dangerous breeds", and to implement tighter restrictions on individuals who harbor dangerous animals. Dangerous animals will be required to be properly housed, warning signs posted on fences, leashed, and properly muzzled with a basket muzzle when taken off the property. If the new revisions prove to be ineffective, and the rate of Pit Bull and other specific breed attacks continue, the committee will reevaluate the ordinance to possibly consider a breed specific ordinance. She is, however, hopeful that this will not be the case.

Kristy Ellis, 1206 Pine Ridge Road, read her comments into the record regarding the changes that were made to the Animal Ordinance [**Ref: Exhibit "A"**]. She strongly encouraged the Council to set the permit and licensing fees high enough to discourage ownership of Pit bulls in Sandy.

Donna Eliason, Director/Trainer, Willow Creek Dog Training Center, 1384 East 13430 South, expressed appreciation to the Council for the opportunity to serve on the committee. She had no idea the time, effort, and detail that went into the ordinance. The ordinance provides an excellent baseline for a problem that offers no easy solutions. Education is a critical part for an effective outcome.

Chairman Cowdell invited a Gentleman in the audience to approach the Council with his concerns.

Thomas H. Walk, 9743 South 475 East, reported on an incident that happened with his new neighbor's Pit Bull. He stated that he met his neighbor and their dog. The Pit Bull was a beautiful, wonderful dog, and good with children, according to the owner. The next evening as he was walking with his wife, son and Beagle dog, which was on a leash, this "friendly" Pit Bull attacked his dog. He had to hold the dog down by the neck to prevent further attacks on his dog and family. Pit Bulls are vicious animals which and can turn on their owners at any time. He stated "get rid of the animal, and get rid of the problem". "Stop spending tax payers dollars to remedy the problem". He felt no further time should be spent discussing laws that will prevent attacks from happening.

Rich Bergan presented a pamphlet from the AKA K-9 Good Citizen, where it states that a well behaved dog will have fewer problems. The ordinance would require that if a dog becomes a nuisance, the owners would be required to successfully complete training courses.

Council Comments

Steve Smith felt that the comments reflected by the committee members were those of being more favorable with the process rather than the outcome. He expressed appreciation to the committee members for their willingness to volunteer to help create the proposed

recommendations. This will be an ongoing issue as incidents continue to play out. The Council will address the fee schedule to make certain that the financial constraints are comparable to the physical restraints of the Ordinance.

Dennis Tenney also expressed appreciation for the comments that were made. He stated that he wanted the public to know, from his perspective that even though the penalties for dangerous dogs had been substantially enhanced, the jury was still out. The City will continue to be vigilant in the coming months to monitor the effectiveness of these changes. If the changes do not produce the expected outcome, modifications should be made to make the ordinance "tougher". The City should use the news media and the City newsletter to clearly define the responsibilities of dog owners. Comments from the committee members have not fallen on deaf ears, and hopefully this will be a step in the right direction.

Linda Martinez Saville reminisced on all of the dogs that she has had in her life. She has owned a pit bull, which she said was an "awesome dog"; a chow who bit her granddaughter and had to be put down, also, how she was bit by a cocker spaniel when she was four years of age. Every dog can be dangerous. She agreed with Mr. Tenney's comments and how the Council cares about keeping the City safe. She stated that it is up to the committee members to keep the Council apprised of concerns that may arise. She complimented Rich Bergan and all those who helped with the Animal ordinance.

Bryant Anderson stated that this has been a difficult process in determining the best way to deal with dangerous dogs. He also spoke of incidents that have happened to him while he has been out jogging. He mentioned an incident where he was bitten by a dog that was on a leash that was too long for the owner to control. He also found three dogs that were running loose. It is obvious that there are owners who do not take care of their dogs, or believe that their dogs are not a problem and can let them go without a leash. He is willing to give the ordinance a try, however, if there are additional problems that arise, he would support bringing the ordinance back to make the necessary revisions.

Chris McCandless stated that he has spent more time on this issue than any other issue since becoming a City Council member. He has owned seven dogs, and worked with rescue dogs where one bit him every time he wore his red boots. He expressed appreciation to Kristie Ellis whose phone call instigated the action to make changes in the Animal Control ordinance. In the new ordinance, once a dog has been declared dangerous, the owner is responsible to keep the dog in an enclosure, leash, and muzzle the dog, with signs posted on all gates surrounding the property. Also, the dog must wear a red tag that alerts people that it has been declared a dangerous animal. If the owners move, it is the City's responsibility to notify other communities that the dangerous dog will be living in their city. Every dangerous dog must be micro chipped, and no more than one dangerous dog per household. He will vote for "huge" fee increases in the ordinance so that owners are responsible for the true costs of enforcement. He likes the fact that education classes [obedience and behavioral] will be required for both the owners and dogs. If the changes prove to be unsuccessful, he would favor creating additional language that would restrict certain breeds.

Steve Fairbanks said, "The only way that we can have a safe society is when society decides that they are going to be safe, and every person takes responsibility for themselves and what they do". "We cannot change people, only they can". He would support a substantial increase in the fees, along with incorporating additional language that no other dog be allowed in a home if the custodian owns a dangerous dog. He suggested inviting Rich Bergan back in six months for a report on the statistics and incidents, verified by breed types, to determine if the Council needs to revisit the ordinance and make necessary changes at that

time.

Scott Cowdell expressed appreciation to Rich Bergan, Committee members, and Councilmember's Chris McCandless and Steve Smith, who took time from their busy schedules to attend the numerous meetings regarding the Animal ordinance. He noted that he has been a dog owner and breeder of English bull dogs. He understands the love that people have for their dogs. People have dogs for companionship and protection. He believes the ordinance is fair and the checks and balances in the ordinance will either work or fail. And if it fails, it will be bought back for revisions.

Motion: **Chris McCandless** made the motion to adopt the Animal Control Ordinance, Ordinance #08-24, as presented by Staff.

Second: **Steve Smith**

Question on the Motion:

Steve Smith asked if the motion should include that documents be bought back, or if this was the official adoption of the ordinance.

Dennis Tenney commented that he would like to see the Administration bring the fee schedule before the Council as soon as possible, with a clear direction that "stiff" penalties be implemented for vicious dog owners.

Chris McCandless stated that he would accept Mr. Tenney's recommendation as a friendly amendment to the motion.

Steve Fairbanks stated that he would like to add additional language to the ordinance where individuals who have been declared as owning a dangerous dog, not be allowed to have any other dog in their ownership. He based his belief on the "pack" mentality of dogs.

Dennis Tenney stated that he would be willing to second Mr. Fairbanks recommendation.

Chris McCandless stated that he struggled with Mr. Fairbanks recommendation since there could be one dog that is a large dog and the other a small dog.

Steve Fairbanks stated that "Choices have to be made".

Chris McCandless asked Mr. Bergan for his perspective on Mr. Fairbanks suggestion.

Rich Bergan said that it would be enough of a burden on a person if they have to go through all the steps of keeping a dangerous dog without having another dog to worry about.

Chris McCandless stated that based on Mr. Bergan's endorsement, he would also accept Mr. Fairbanks recommendation as a friendly amendment to the motion.

Phil Glenn stated that the ordinance could not be adopted this evening due to the amendments proposed by the Council. The ordinance could be adopted during next week's Council meeting if they desired.

Mr. McCandless restated the motion: He would like to recommend approval of Item #5, Ordinance #08-24, with two exceptions: to have paper work bought back next week with the following amendments: That if you are declared to have a dangerous dog, the owner be allowed to have only one dog in the home, and to direct Staff to immediately pursue a fee structure for dangerous dogs

owners so that they can be implemented in the ordinance.

Second: Steve Smith

Vote: McCandless - Yes, Smith-Yes, Anderson- Yes, Tenney- Yes, Saville- Yes,
Fairbanks- Yes, Cowdell-Yes.

Motion Approved: All in Favor

Phil Glenn noted that a public hearing would be held regarding the fee schedule within the next few weeks during an opening of the Budget.

5. **Consideration/Adoption of an Animal Ordinance (see under separate cover)**
Ordinance #08- 24 – an Ordinance amending previous Ordinances of Sandy City, relating to the "Animal Services", Title 3 "Administrative Code"; also providing a saving clause for the ordinance and an effective date.

Motion: Reference Item #4

6. **Appointment to the Sandy City Board of Adjustment**
Providing the advice and consent of the Sandy City Council to Mayoral Resolution#08-11M, appointing an "Alternate" member to the Sandy City Board of Adjustment to fill a term ending at noon on March 31, 2013.

Motion: Steve Smith made the motion to adopt Resolution #08-11M, with the Council's advice and consent, appointing **Gayle Willardson** to the Board of Adjustment to fill a term ending March 31, 2013.

Second: Linda Saville

Vote: Smith- Yes, Saville-Yes, Fairbanks- Yes, McCandless- Yes, Tenney-Yes, Anderson-Yes, Cowdell-Yes.

Motion Approved: All in Favor

Motion: Dennis Tenney made the motion to cancel the previously scheduled Redevelopment Agency Meeting.

Second: Bryant Anderson

Vote: The Council responded verbally in the affirmative to the motion.

MINUTES:

7. **Approve the September 9, 2008 and the September 16, 2008 Sandy City Council Meeting Minutes.**

Motion: Chris McCandless made the motion to approve the September 9, 2008 and the September 16, 2008 Sandy City Council Meeting Minutes.

Second: Dennis Tenney

Vote: The Council responded verbally in the affirmative to the motion.

8. **MAYOR'S REPORT**

- a. No Report was given.

9. **CAO'S REPORT**

- a. Report held in Planning Meeting.

10. **COUNCIL OFFICE DIRECTOR'S REPORT**

- a. Report held in Planning Meeting.

11. **OTHER COUNCIL BUSINESS**

a. **Council Committee Liaison Reports [Held in Planning Meeting]**

At approximately 8:02 p.m., Steve Fairbanks made a motion to adjourn Council Meeting, motion seconded by Dennis Tenney.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Scott Cowdell
Council Chairman
xm093008.min

Pam Lehman
Council Office Manager